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MONTANA LEGISLATIVE HISTORY

Chapter 146 19 93

Bill H 53 S _____ Original bill & history ____C

H. Committee on Education & Cultural Resources			S. Committee on Education & Cultural Resources		
Hearing Date(s)	Jan 06	✓ C	Hearing Date(s)	Jan 22	✓ C
	Jan 08	✓ C		Jan 25	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Jan 11	✓ C		Jan 25	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

4/22 SIGNED BY GOVERNOR
CHAPTER NUMBER 473
EFFECTIVE DATE: 10/01/93

HB 50 INTRODUCED BY FAGG

ALLOW MERCHANT TO STOP AND TEMPORARILY DETAIN A SUSPECTED SHOPLIFTER

12/23	INTRODUCED		
12/30	REFERRED TO JUDICIARY		
1/04	FIRST READING		
1/06	HEARING		
1/07	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/11	2ND READING PASSED AS AMENDED	75	24
1/13	3RD READING PASSED	75	23
	TRANSMITTED TO SENATE		
1/15	FIRST READING		
1/15	REFERRED TO JUDICIARY		
3/02	HEARING		
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	46	0
3/08	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/23	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 180		
	EFFECTIVE DATE: 10/01/93		

HB 51 INTRODUCED BY R. JOHNSON

REVISE ARCHITECTURE LICENSING LAW; DEFINITIONS AND EXEMPTIONS

BY REQUEST OF DEPARTMENT OF COMMERCE

12/23	INTRODUCED		
12/30	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/04	FIRST READING		
1/06	HEARING		
1/08	COMMITTEE REPORT—BILL NOT PASSED		
1/11	ADVERSE COMMITTEE REPORT ADOPTED	70	24

HB 52 INTRODUCED BY COBB

ALLOW SCHOOL DISTRICT TO EXCEED FUNDING LIMITS FOR BASIC EDUCATION

12/23 INTRODUCED
12/31 FISCAL NOTE REQUESTED
1/04 REFERRED TO SCHOOL FUNDING SELECT COMMITTEE
1/04 FIRST READING
1/11 FISCAL NOTE RECEIVED
1/12 FISCAL NOTE PRINTED
3/26 MISSED TRANSMITTAL DEADLINE

HB 53 INTRODUCED BY BENEDICT

ESTABLISH PROCEDURE FOR PART-TIME COUNTY SUPERINTENDENT OF SCHOOLS

12/23 INTRODUCED
12/30 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/04 FIRST READING

1/06	HEARING		
1/12	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/14	2ND READING PASSED	97	1
1/16	3RD READING PASSED	96	0
	TRANSMITTED TO SENATE		
1/19	FIRST READING		
1/19	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/22	HEARING		
1/25	COMMITTEE REPORT—BILL CONCURRED		
1/26	2ND READING CONCURRED	48	1
1/27	3RD READING CONCURRED	46	1
	RETURNED TO HOUSE		
2/01	SIGNED BY SPEAKER		
2/01	SIGNED BY PRESIDENT		
2/03	TRANSMITTED TO GOVERNOR		
2/05	RETURNED TO HOUSE WITH GOVERNOR'S AMENDMENTS		
3/03	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	97	1
3/05	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	93	4
	TRANSMITTED TO SENATE		
3/11	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	48	0
3/12	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	48	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 146		
	EFFECTIVE DATE: 03/24/93		

HB 54 INTRODUCED BY EWER

ELIMINATE NOTICE TO BOARD OF INVESTMENTS WHEN BONDS ARE SOLD

12/23	INTRODUCED		
12/30	REFERRED TO STATE ADMINISTRATION		
1/04	FIRST READING		
1/05	HEARING		
1/06	COMMITTEE REPORT—BILL PASSED		
1/07	2ND READING PASSED	98	1
1/08	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
1/11	FIRST READING		
1/11	REFERRED TO LOCAL GOVERNMENT		
1/19	HEARING		
1/20	COMMITTEE REPORT—BILL CONCURRED		
1/21	2ND READING CONCURRED	48	0
1/22	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
1/27	SIGNED BY SPEAKER		
1/27	SIGNED BY PRESIDENT		
1/27	TRANSMITTED TO GOVERNOR		
1/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 6		
	EFFECTIVE DATE: 10/01/93		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Rep. H.S. "Sonny" Hanson, Chair, on January 6, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. H.S. "Sonny" Hanson, Chair (R)
Rep. Alvin Ellis, Vice Chair (R)
Rep. Ray Brandewie (R)
Rep. Fritz Daily (D)
Rep. Ed Dolezal (D)
Rep. Dan Harrington (D)
Rep. Jack Herron (R)
Rep. Bob Gervais (D)
Rep. Bea McCarthy (D)
Rep. Scott McCulloch (D)
Rep. Norm Mills (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dick Simpkins (R)
Rep. Wilbur Spring (R)
Rep. Norm Wallin (R)
Rep. Diana Wyatt, Vice Chair (D)

Members Excused: Rep. Ervin Davis

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Susan Lenard, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 53
Executive Action: None

HEARING ON HB 53

Opening Statement by Sponsor:

REP. STEVE BENEDICT, House District 64, Hamilton, stated HB 53 would allow the Board of County Commissioners to establish the office of county superintendent of schools as a part-time office without altering the statutory duties of the position. A

determination would have to be made by the Board that the full array of duties of the position could be performed in the context of part-time. The Board must also pass a resolution of intent, conduct a hearing, and issue an appropriate order. Full-time incumbent positions at the present time would not be affected. **REP. BENEDICT** stressed this piece of legislation would allow for local control and could possibly affect sixteen counties in Montana. An amendment proposed by the County Superintendent's Association was submitted by **REP. BENEDICT. EXHIBIT 1**

Proponents' Testimony:

Steve Powell, Ravalli County Commissioner, supported the bill based on the experience of Ravalli County which consolidated their superintendent's position with that of county clerk and recorder in 1981. Testimony from the acting county superintendent was provided. **EXHIBIT 2**

Gordon Morris, Executive Director of the Association of Counties, asked for favorable consideration of the bill.

Sue Olson, Mussellshell County Commissioner, spoke in favor of HB 53. She explained the work load in Mussellshell County does not necessitate a full-time superintendent of schools. She offered the success of the consolidation of part-time county attorney positions in Mussellshell and Golden Valley Counties into one position as a frame-work for the possible consolidation of county superintendent positions between two or more counties.

Larry Stolfus, President Montana Association of County School Superintendents, provided written testimony. **EXHIBIT 3**

Rachel Vielleux, Missoula County Superintendent of Schools, provided written testimony. **EXHIBIT 4**

Fleda Brammer, Broadwater County Treasurer/County Superintendent of Schools, supported the amendment presented by **REP. BENEDICT.**

Karl Roosa, Powell County Superintendent of Schools, suggested to amend section three of the bill. The amendment would allow the Board of Commissioners the option to change the proportion of a part-time office during the term of office with the agreement of the county superintendent.

Rick Bartos, Montana Association of County of School Superintendents, offered an amendment to define the term "part-time"(to be inserted on page 3, line 8) as: "part-time office means an office whose hours are less than eight until five every day, except holidays and except Saturdays, but no fewer than four hours per day every day except holidays and except Saturdays," to enable the office to be open for at least four hours per day without compromising the flexibility of the Board of County Commissioners.

Loran Frazier, School Administrators of Montana, expressed his concern for students who attend rural schools or are home-schooled. He suggested they may be left without services if this piece legislation is passed. **Mr. Frazier** asked the committee to consider how the potential change would fit in with the whole picture of education in the state.

REP. ELLIS, House District 84, Red Lodge, presented a letter from the Carbon County Board of County Commissioners in support of this bill. **EXHIBIT 5**

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. SIMPKINS asked **Rick Bartos** if the proposed definition to be inserted in section 1 conflicted with the requirement the office be open from 8:00 a.m. until 5:00 p.m. (section 2). **Mr. Bartos** replied there was a conflict, but without the definition the offices could be open without anyone in attendance. By defining the term part-time, the county commissioners would have the authority to close those offices for four hours each day.

REP. SIMPKINS asked if the statement in the brochure distributed by **Mr. Bartos** with regard to the responsibility of the superintendent to provide general supervision of the public schools in the county (exhibit 3, 2 of 2) was a matter of law. **Mr. Bartos** replied it was.

REP. WALLIN requested that someone from counties with already consolidated offices to note whether they did so with authority and how a schedule would work for someone from two different counties. **Ms. Olson** replied authority for consolidation was given and that the consolidated attorneys in Mussellshell and Golden Valley Counties set their schedules according to the needs of each county.

REP. SPRING asked **Ms. Vielleux** about her comment regarding outlying schools and whether the students were indeed not presently getting the services usually provided by a school superintendent. **Ms. Vielleux** responded some students were not receiving the attention they need. She said the treasurer/superintendent for a school in her county with which she was familiar was not able to accomplish any duties beyond that of treasurer.

REP. BRANDEWIE asked **Mr. Morris** how the amendment proposed by **Mr. Bartos** fit the bill. **Mr. Morris** said he believes the definition for part-time is redundant.

REP. SIMPKINS referenced the establishment of county superintendents in the Constitution under Article 11, section 3, and questioned whether there were laws prohibiting this article of the Constitution from being fulfilled. **Mr. Morris** stated there were no such laws, but that HB 53 was a new approach to the "part-time" option with consolidation.

Closing by Sponsor:

REP. BENEDICT explained the bill would return to the local governments and to the people the ability to determine what is in the best interest of their county. **REP. BENEDICT** said he believed there was no need to amend the bill further. He maintained it was a cooperative effort between county superintendents who had plenty of opportunity to amend the bill. He stressed HB 53 could assist many counties in this time of fiscal strain.

ADJOURNMENT

Adjournment: 3:53 p.m.

REP. H.S. "SONNY" HANSON, Chair

SUSAN LENARD, Secretary

HSH/SL

HOUSE OF REPRESENTATIVES

Education and Cultural Resources **COMMITTEE**

ROLL CALL **DATE** 1/6/93

NAME	PRESENT	ABSENT	EXCUSED
REP. SONNY HANSON , CHAIR	✓		
REP. ALVIN ELLIS , VICE-CHAIR	✓		
REP. DIANA WYATT , VICE-CHAIR	✓		
REP. RAY BRANDEWIE	✓		
REP. FRITZ DAILY	✓		
REP. ERVIN DAVIS			✓
REP. ED DOLEZAL	✓		
REP. DAN HARRINGTON	✓		
REP. JACK HERRON	✓		
REP. BOB GERVAIS	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. NORM MILLS	✓		
REP. BILL REHBEIN	✓		
REP. SAM ROSE	✓		
REP. DICK SIMPKINS	✓		
REP. WILBUR SPRING	✓		
REP. NORM WALLIN	✓		

EXHIBIT 3 (1 of 2)
DATE 1/6/93
SB 53

MACSS

January 5, 1993

Montana House of Representatives
House Education and Cultural Resource Committee
Helena, Montana 59620

Honorable Committee Members:

I urge your most careful consideration of House Bill 53, (establishing a procedure for part-time County Superintendents of Schools). As president of the Montana Association of County Superintendents (MACSS) and speaking for that association bring forth the following points for your consideration:

1. A criteria be established to determine when the reduction to a part-time position could be considered.
2. That the financial status of a county should not be the basis for a deduction when a full time work load is present.
3. When the duties of the position can not be fully completed on a part-time basis, where does the responsibility for the remaining duties lie?
4. That a part-time opinion not be used to eliminate particular individuals.
5. That other elected offices be included in this statute, as the merit of part-time maybe found in other areas.

We support the concept of government responsible to the local taxpayer and can support H.B. 53 only if that high level of local responsibility is maintained.

Thank you for your consideration.

Sincerely,

Larry Stollfuss, President
Montana Association of County School Superintendents

Please note: part 2 of this exhibit may be located at the Historical Society

Exhibit 1
DATE 1/6/93
#HB 53

MONTANA
ASSOCIATION OF
COUNTIES

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

HB 53 AMENDMENT

REPRESENTATIVE STEVE BENEDICT

P.1, Section (1), Subsection (2):

line 20: is amended to read:

"Upon verification by the clerk and recorder, a person is qualified to file for and assume the office of county superintendent who:"

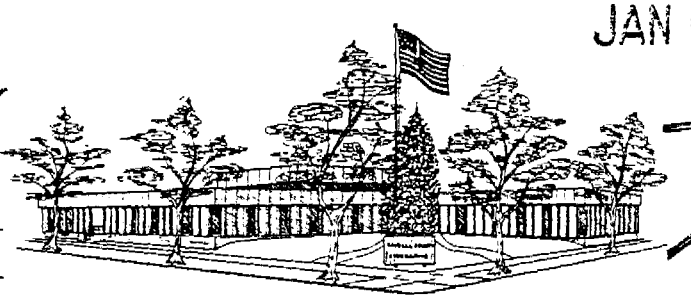
P.1, Section (1), Subsection (2)(b)

line 23: is amended to read:

"holds a valid, current class 1 or 2 teacher certificate, or class 3 administrative certificate issued by the Montana superintendent of public instruction; and"

JAN 05 1993

COUNTY OF RAVALLI



STATE OF MONTANA

The Bitterroot Valley

Hamilton, Montana 59840

January 4, 1993

EXHIBIT 2
DATE 1/6/93
HB 53

To: Montana Legislature
From: Acting Ravalli County Superintendent of Schools

Re: Part Time County Superintendent Bill

In 1981 the office of Clerk & Recorder and County Superintendent were combined. I was hired in mid 1982 to serve as Acting County Superintendent, and have done so ever since. I set my own schedule at 1,040 hours/year, for half of what the elected Superintendent would receive in salary and benefits.

This has been a satisfactory arrangement for Ravalli County and for me, although I believe the position should be elective,rather than appointive as in my case. I would strongly oppose such a position at less than half time. There would be no benefits, and that combined with the low salary would almost assuredly preclude competent people willing to do the job.

I also believe that the continuance of the County Superintendent's office is critical to the maintaining of positive contact between the schools and the people. No district could perform all the various tasks in a multi-district county, and there continue to be a variety of disagreements between various districts and parents or students or teachers that need various types of mediation. The local understanding would be lost if a state agency attempted to perform this service.

Thank you for your consideration of my views.

Greg Danelz

Greg Danelz, Acting County Superintendent
Ravalli County, Montana

ELECTED COUNTY OFFICIALS SERVING MONTANA

STUDENTS
PARENTS
TEACHERS
ADMINISTRATORS
TAXPAYERS

FOR OVER ONE HUNDRED YEARS

The office of County Superintendent of Schools is provided by and for the people living in the county. The Superintendent is expected to provide the best possible educational setting for all schools in the county. The office is a service agency that responds to local needs and provides professional and educational leadership.

COUNTY SCHOOL SUPERINTENDENTS

Beaverhead	CL Box 7, Dillon	59725	683-5632
Big Horn	Drawer H, Hardin	59034	665-1507
Blaine	Box 819, Chinook	59523	357-3270
Broadwater	Box 489, Townsend	59644	266-3445
Carbon	Box 116, Red Lodge	59068	446-1301
Carter	Box 316, Ekalaka	59324	775-8721
Cascade	415 2Ave N, Gt. Falls	59401	761-6700
Chouteau	Box 459, Fort Benton	59442	622-3242
Custer	1010 Main, Miles City	59301	232-7800
Daniels	Box 67, Scobey	59263	487-2664
Dawson	207 W. Bell, Glendive	59330	365-3963
Deer Lodge	Anaconda	59711	563-8421
Fallon	Box 1117, Baker	59313	778-2883
Fergus	721 W Main, Lewistown	59457	538-3136
Flathead	723 5th Ave East, Kalispell	59901	756-5645
Gallatin	311 W Main, Bozeman	59715	585-1375
Garfield	Box 28, Jordan	59337	557-6115
Glacier	1210 E Main, Cut Bank	59427	873-2295
Golden Valley	Ryegate	59074	568-2342
Granite	Box 520, Philipsburg	59858	859-3831
Hill	315 4th St, Havre	59501	265-5481
Jefferson	Box H, Boulder	59632	225-4251
Judith Basin	Box 456, Stanford	59479	566-2272
Lake	Polson	59860	883-6211
Lewis & Clark	316 N Park, Helena	59623	443-1010
Liberty	Box 684, Chester	59522	759-5216
Lincoln	418 Mineral, Libby	59923	293-7781
Madison	Box 247, Virginia City	59755	843-5392
McCone	Box 180, Circle	59215	485-3590
Meagher	Box 354, White Sulfur	59645	547-3612
Mineral	Superior	59872	822-4542
Missoula	301 W Alder, Missoula	59802	721-5700
Musselshell	506 Main St, Roundup	59072	323-1104
Park	414 E Callendar, Livingston	59047	222-6120
Petroleum	Winnett	59087	429-5551
Phillips	Drawer DD, Malta	59538	654-2010
Pondera	Conrad	59425	278-7681
Powder River	Box L, Broadus	59317	436-2488
Powell	409 Missouri, Deer Lodge	59722	846-3680
Prairie	Box 566, Terry	59349	637-5575
Ravalli	Box 5021, Hamilton	59840	363-2322
Richland	201 W Main, Sidney	59270	482-1608
Roosevelt	Wolf Point	59201	653-1509
Rosebud	Box 407, Forsyth	59327	356-2537
Sanders	Box 5A, Thompson Falls	59873	827-4397
Sheridan	Plentywood	59254	765-2310
Silver Bow	W Granite, Butte	59701	723-8262
Stillwater	Box 1098, Columbus	59019	322-5333
Sweet Grass	Box 220, Big Timber	59011	932-5147
Teton	Box 610, Choteau	59422	466-2907
Toole	226 1St. S., Shelby	59474	434-2112
Treasure	Box 429, Hysham	59038	342-5545
Valley	501 Crt Sq, Glasgow	59230	228-8221
Wheatland	Box 637, Harlowton	59036	632-4893
Wibaux	Box 291, Wibaux	59353	795-2434
Yellowstone	208 N Broadway, Billings	59101	256-6850

DISTRIBUTED BY
THE MONTANA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS

MONTANA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS

M PROFESSIONALS

A ON

C THE

S MOVE

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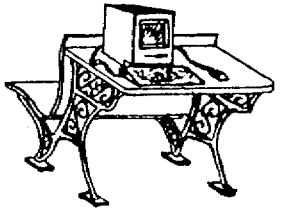

EXHIBIT 3
DATE 1/6/93
SB 53
House Education Committee
2 of 2

SUPERINTENDENT

MONTANA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS

ADMINISTRATIVE

Carry out duties prescribed by the Legislature, Board of Public Education and the State Superintendent of Public Instruction.

As a county government official and county school officer, provide general supervision of public schools in the county.

Assist trustees with school supervision.

Advise and direct teachers on instruction, pupil discipline and other duties of the teacher.

Visit schools at the request of the trustees.

Consult with the trustees on all school matters that may be found during the observation of the school or may otherwise come to their attention.

Provide for supervision to any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent or principal.

Administer oaths of office to trustees.

Provide other services to districts that fall within the scope of state statutes.

Promote educational growth and improvement.

LEGAL

Hear and decide all matters of controversy arising as a result of decisions of the trustees of a district in the county.

FINANCE

As Chief County School Financial Officer calculate budgets and levies for the following:

General fund
Transportation fund
Retirement fund
Tuition fund
Bus Depreciation
Adult Education
Debt Service
Building Reserve

Certify district ANB
Compile annual financial report
Distribute County Equalization revenues

OTHER DUTIES

Chairman of the County Transportation Committee

Member of High School Boundary Commission of the County

Attendance officer for a district under prescribed conditions

RECORDKEEPING

Record all official acts :

School district organization
School district alteration
School district abandonment
Establishment of nominating districts
Distribution of federal and state revenue
Distribution of private revenue
Teacher supervision and evaluation
School controversies/hearings
County Transportation Committee acts

Record and preserve records:

Attendance agreements
Transportation contracts
Student enrollment/attendance records
Fall reports
Election data (trustee, mill levy, bond)
Student records
Preliminary/final budgets
Trustee annual reports
School district audits
Personnel records
Home school registrations

Register:

Register all professional certificates
Bus driver certificates
Bus inspections certificates
Clerk appointments
Trustee's certificate of election
Trustee's oath of office

MISSOULA COUNTY
RACHEL A. VIELLEUX, SUPERINTENDENT OF SCHOOLS
301 WEST ALDER, MISSOULA, MONTANA 59802
(406) 721-5700

EXHIBIT 4
DATE 1/6/93
HB 53

January 6, 1992

TO: The Members of the House Committee on Education and Cultural Resources

FROM: Rachel A. Vielleux, Missoula County Superintendent of Schools

RE: HB 53

At a time when local governments are suffering under the constraints of I-105, it makes good sense to allow them the flexibility to reduce some positions to part-time whether that be a county superintendent, a clerk of district court or a surveyor. I do have a concern about the initial MACo resolution which prompted the introduction of this bill. It was predicated on the fact that we have a decreasing number of rural schools. While it is true that the county superintendent is very important to those schools, that does not consume the majority of our time. Often, part-time county commissioners do not appreciate or understand the full scope of the county superintendent's duties and act strictly on the basis of dollars. In Garfield County, for example, there is no one filling the role of county superintendent even though they have ten widely scattered rural schools.

The job of the county superintendent has grown far beyond the horse and buggy days. We perform a vital function in the continuum of school services; in view of the potential cuts in state government, the county superintendents may be called upon to expand this role even further to assume some duties now performed at the state level. It is important that county's have the ability to provide those services whether it be through contracting for services or through election of a part-time county superintendent.

EXHIBIT 5
DATE 1/6/93
HB 53

BOARD OF COMMISSIONERS

County of Carbon

Red Lodge, Montana
59068

December 31, 1992

TO: Rep. Avin Ellis Jr.

FROM: Carbon County Commissioners

RE: HB 53 Allow county commission to establish part-time County Superintendents.

We Commissioners of Carbon County urge your support for HB 53. Counties, especially the smaller populated ones, are having to juggle the demands for services with decreasing revenues.

Since the number of rural county schools in many Montana counties is decreasing and the demands of the office may vary during the calendar year, we commissioners are seeking legislative authority to determine that the office of the County Superintendent of Schools can function efficiently on a less than full-time basis.

This bill was sponsored by: Carbon County

Thank you,

Mona Nutting

Mona Nutting
Member, Carbon County Commission

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Education & Cultural Resources COMMITTEE BILL NO. HB53

DATE 1/6/93 SPONSOR(S) Benedict

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Steve Powell	Ravalli Co. Commissioners	✓	
Dorothy Morris	MACo	X	
Rachel Vielleux	Missoula Co. Supt	X	
Karl Rossa	Powell Co Supt	X	
Larry Stoltzfus	President Montana Association of County School Supt.	X	
Freda Brammer	Teacher / Co. Supt Broadwater Co.	X	
Loren Frazier	SAM	X	
Alan Ellis JV	HD 81 Carbon Co.	X	
Rick Bates	MACS	X	
[illegible]	Miles City	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Closing by Sponsor:

REP. DAILY insisted the university system is one of the most serious concerns facing the Legislature. He described HB 25 as an attempt to address the issue.

EXECUTIVE ACTION ON HB 53

Motion: **REP. SIMPKINS MOVED HB 53 DO PASS.**

Motion: **REP. ELLIS** moved to amend HB 53.

Discussion:

Andrea Merrill, Legislative Council, explained the content of the amendment. She said it changes some language for the sake of clarity without altering the intent of the bill. (See standing committee report.)

Vote: **HB 53 BE AMENDED.** Motion carried unanimously.

Motion/Vote: **REP. BRANDEWIE MOVED HB 53 DO PASS AS AMENDED.** Motion carried 12 to 6, with Reps. Daily, Dolezal, Harrington, Gervais, McCarthy, and Wyatt voting no. **EXHIBIT 5**

ADJOURNMENT

Adjournment: 4:58 P.M.

REP. H.S. "SONNY" HANSON, Chair

SUSAN LENARD, Secretary

HSH/SL

HOUSE OF REPRESENTATIVES

Education and Cultural Resources **COMMITTEE**

ROLL CALL **DATE** 1/8/93

NAME	PRESENT	ABSENT	EXCUSED
REP. SONNY HANSON , CHAIR	✓		
REP. ALVIN ELLIS , VICE-CHAIR	✓		
REP. DIANA WYATT , VICE-CHAIR	✓		
REP. RAY BRANDEWIE	✓		
REP. FRITZ DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. ED DOLEZAL	✓		
REP. DAN HARRINGTON			✓
REP. JACK HERRON	✓		
REP. BOB GERVAIS	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH			✓
REP. NORM MILLS	✓		
REP. BILL REHBEIN	✓		
REP. SAM ROSE	✓		
REP. DICK SIMPKINS	✓		
REP. WILBUR SPRING	✓		
REP. NORM WALLIN	✓		

HOUSE STANDING COMMITTEE REPORT

January 11, 1993

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 53 (first reading copy -- white) do pass as amended .

Signed: _____
Sonny Hanson, Chair

And, that such amendments read:

1. Page 1, line 20.
Following: "(2)"
Strike: "A"
Insert: "Upon verification by the county clerk and recorder, a"
Following: "qualified to"
Insert: "file for and"

2. Page 1, line 23.
Strike: "teacher"
Insert: ", current class 1 professional certificate, class 2 standard certificate, or class 3 administrative and supervisory"

EXHIBIT 5
DATE 1/8/93
HB 53

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/8/92 BILL NO. HB 53 NUMBER

MOTION: DO PASS AS AMENDED

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair		✓
Rep. Ray Brandewie	✓	
Rep. Fritz Daily		✓
Rep. Ervin Davis	✓	
Rep. Ed Dolezal		✓
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy		✓
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	

12 6

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator Blaylock, on January 22, 1993, at 1:02 p.m.

ROLL CALL

Members Present:

Sen. Chet Blaylock, Chair (D)
Sen. Harry Fritz, Vice Chair (D)
Sen. Bob Brown (R)
Sen. John Hertel (R)
Sen. Dennis Nathe (R)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)
Sen. Bill Wilson (D)
Sen. Bill Yellowtail (D)

Members Excused: None

Members Absent: None

Staff Present: Eddye McClure, Legislative Council
Sylvia Kinsey, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB, 178, SB 188, SB 208, HB 53
Executive Action: None

HEARING ON HOUSE BILL 53

Opening Statement by Sponsor:

Representative Steve Benedict, HD 64, Hamilton, said HB 53 would allow a Board of County Commissioners to establish a County Superintendent of Schools as a part-time office. He referred to safe-guards in the bill for the incumbent and for the district duties of the Superintendent. With the number of rural schools in Montana decreasing and with it the over all scope of statutory duties performed by the County Superintendent.

Proponents' Testimony:

Mona Nutting, Commissioner from Carbon County and the new president of MACO, said with the decreasing number of rural schools and the juggling of funds, the County Commissioners are asking to be given the legislative authority to determine that the office of the County Superintendent of Schools of certain individual counties can function efficiently on a part-time or flexible time basis.

Vicki Hyatt, Stillwater County Commissioner, said she was in favor of HB 64. They find they are in violation of state law in their county. Much of the time they have a single person elected and in their office. She is gone quite often, and there are complaints from the constituency about keeping the office open. She said Section 3 on public hearing would safeguard the decision.

Rachel Vielleux, Missoula County Superintendent of Schools, and speaking on behalf of the Montana Association of County School Superintendents said they have supported MACO in their attempt to pass this bill which would allow counties the kind of flexibility they need in the face of I105 and the shrinking revenue.

Loren Frazier, School Administrators of Montana said they support this bill.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Yellowtail said he had heard much consternation on the part of elected county officials who feel County Commissioners sometimes meddle in the details, the budgets and the offices of the other elected officials. He was surprised to have County Superintendents coming in and voluntarily conceding this authority to County Commissioners. He asked if this is what we really want to do and asked of there is a provision in this statute for some initiative on the part of the sitting elected County Superintendent. He asked if the County Commissioners could independently impose a part-time structure on the office of the County Superintendent. Representative Benedict said the bill specifically references incumbents which says the County Commissioners cannot make it a part time office until the next election cycle.

Senator Yellowtail said considering the timing element that is assured here, the County Commissioners can still reduce the office to a less than full time office without the consent of the incoming County Superintendent. Representative Benedict said

they could hold hearings and determine that it should be a part-time office at the next election cycle.

Ms. Vielleux said at the present time there are provisions in the statutes that allow for a variety of ways to provide these County Superintendent services. Mineral County contracts with Missoula County for hearings and supervision of rural schools. Their County Superintendent is combined with the Treasurer. She pointed out those counties that are looking at part-time County Superintendents could lose that position because the County Commissioners could combine it with another office. In Ravalli county the office is combined with that of the Clerk and Recorder. They have hired a part-time person as School Administrator to perform those functions. She said the effort in this bill is to preserve the elected office so there is some elected official to answer to the voters about taxes etc. If we don't concede that some of the offices need to be part-time, we will simply lose the office all together.

Senator Hertel said this bill does not have any guidelines which specify what constitutes reducing that particular time the Superintendent has. He asked if this could produce a problem. Representative Benedict said that was brought up in the House Education committee and the people who spoke on behalf of the bill indicated they needed this to be a local control issue and they needed the flexibility.

Senator Blaylock said there was a bill that was proposing the County Superintendent of Schools be relieved of the financial duties and leave the other duties for them to handle. Ms. Vielleux said the County Superintendents, District Clerks, District Trustee and MACO all testified against that bill. OPI took the position of neutrality.

Senator Blaylock asked about Ms. Vielleux how many rural schools she was able to visit per year. He was told she visited four of the schools at least once a month.

Senator Stang said when you have a part-time superintendent, you have a problem of people driving a long distance to see the County Superintendent and no one is there. He asked how that would be taken care of. Ms. Vielleux said that happens in her county many times. She has other commitments and people drop in and expect her to be there. We would have to set hours when we would definitely be there.

Senator Yellowtail said if we grant the authority to the County Commissioners to essentially regulate your office, including your time, why should we continue with the process of having an elected County Superintendent. Why not just turn this office over to the County Commissioners and permit them to hire someone, direct them, set the budget, etc. Ms. Vielleux said they can do that now. When they combine our office with, as in Mineral

County, the Treasurer's office, they made the decision that there was not enough work for a full time County Superintendent. The Treasurer is elected to fill the role of County Superintendent and they do the financial aspect. Anything that requires certified personnel, they hire.

Closing by Sponsor:

Representative Benedict closed by saying in regard to Senator Yellowtail's question about the possibility of County Commissioners deciding to make this a part-time office is incumbent on their making their intentions known prior to the filing deadline of the next election cycle. He said in smaller counties the needs are not so great that the public needs to be in contact with a County Superintendent every day. He told Senator Stang he did not believe there were enough people coming in every day to see the Superintendent to warrant having the office open every day.

HEARING ON SENATE BILL 188

Opening Statement by Sponsor:

Senator Bob Hockett, Senate District 7, Havre, said they lease a lot of land in their operation in eastern Montana, but do not lease any state land, and he did not see any conflict of interest. He said the Department of State Lands (DSL) had asked him to carry this bill, and had some people from DSL who would testify on the bill. The bill provides for a commercial lease-holder of state land to sublease the state land for a profit and DSL would share in the profit the lessee would receive from the rental. He explained there are over 900 leases in DSL that are called special leases, 700 or more are cabin sites and do not count as commercial leases. The 150 or 200 commercial leases include billboards, radio, TV transmission sites, storage buildings, saw mill sites, etc. From the commercial leases in FY '92 the state received $563,371 and with additional funds from subleases there would be more money going into the school equalization account.

Proponents' Testimony:

Jeff Hagener, Administrator of the Land Administration Division, DSL, said SB 188 would allow commercial lessees to sublet leases at a profit to them, but would allow the Dept. to share in those profits. He said a common example would be the billboards and communication sites where they would like to lease space on the billboard, and at the present time our statutes do not allow them to do that. He said with cellular telephones becoming a bigger item, they put up one tower at a major expense and would like to put more microwaves on which would be other entities. The lessees would like to sublease to help with their expenses and would be able to make a little profit. It is a common procedure in other states, and the general rule is close to a 50% share of

ROLL CALL

SENATE COMMITTEE EDUCATION DATE 1/22/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BLAYLOCK, Chair	✓		
SENATOR FRITZ, V.C.	✓		
SENATOR BROWN	✓		
SENATOR NATHE	✓		
SENATOR TOEWS	✓		
SENATOR HERTEL	✓		
SENATOR WILSON	✓		
SENATOR WATERMAN	✓		
SENATOR YELLOWTAIL	✓		
SENATOR STANG	✓		

FC8

Attach to each day's minutes

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

SENATE EDUCATION
EXHIBIT NO. 1
DATE 1/22/93
BILL NO. HB 53

REPRESENTATIVE ALVIN ELLIS, JR.

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1223 HIGHLAND
HELENA, MONTANA 59601
PHONE: (406) 442-2738

HOME ADDRESS:
RT. 1 BOX 4840
RED LODGE, MONTANA 59068
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COMMITTEES:
BUSINESS AND ECONOMIC DEVELOPMENT
EDUCATION AND CULTURAL RESOURCES
LABOR AND EMPLOYMENT RELATIONS

January 22, 1993

TESTIMONY

TO: Members of Senate Committee on Education

At a time when local governments are struggling to survive under the restriction of I-105, it is sensible and reasonable to enable them to reduce some positions to part time, whatever they may be.

The number of rural schools in many Montana counties is decreasing and the demands of the office may vary during the calendar year. The commissioners of Carbon County are seeking authority to determine that the office of County Superintendent of Schools can function efficiently on less than a full time basis.

I whole-heartedly endorse their request.

Alvin Ellis, Jr.
Representative, H.D. 84

AE:vn

DATE 1/22/93

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: SB 178, SB 188, SB 208, HB 53

Name	Representing	Bill No.	Check One: Support	Oppose
Mond Dutting	Carbon Co., MACo	HB53	X	
Madalyn Quinlan	OPI	SB 188		
Terry Murrow	MEA Fed of Teachers			
Vicki Hyatt	Gill Co.	HB53	X	
Gordon Morris	MACo	HB53	X	
Lynda Brannon	MASBO	HB178		
Jack Copps	OPI	208	X	
Bruce W. Moerer	MSBA	SB 208	X	
Jeff Hagener	OSL	SB 188	X	
Cliff Roberson	Helena Public Schools	HB178	X	
Jan Anderson	OPI			
Lou Waldron	MEA	178	X	
Craig Brewington	Hellgate Elem. Schools Missoula	208	X	
Karl Roosa	Powell County Schools	HB53 SB208	XX	
Lorna Frazier	SAM	178 208 53	X	
Patrick Vincent	Missoula County Schools	HB 53 SB 208 SB 178	X X X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

grazing land and only deals with the commercial property which is almost exclusively in the urban areas.

Motion/Vote: Senator Yellowtail moved SENATE BILL 188 DO PASS. Motion PASSED with Senator Nathe absent.

EXECUTIVE ACTION ON HOUSE BILL 53

Motion/Vote: Senator Hertel moved HOUSE BILL 53 BE CONCURRED IN. Motion PASSED with Senator Nathe being absent.

Senator Hertel will carry the bill on the Senate floor.

ADJOURNMENT

Adjournment: 1:40 p.m.

Chet Blaylock

CHET BLAYLOCK, Chair

Sylvia Kinsey

SYLVIA KINSEY, Secretary

CB/sk

ROLL CALL

SENATE COMMITTEE EDUCATION DATE 1/25/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BLAYLOCK, Chair	✓		
SENATOR FRITZ, V.C.	✓		
SENATOR BROWN	✓		
SENATOR NATHE			✓
SENATOR TOEWS	✓		
SENATOR HERTEL	✓		
SENATOR WILSON	✓		
SENATOR WATERMAN	✓		
SENATOR YELLOWTAIL	✓		
SENATOR STANG	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

January 25, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 53 (first reading copy -- blue), respectfully report that House Bill No. 53 be concurred in.

Signed: Chet B Blaylock
Senator Chet Blaylock, Chair

M— Amd. Coord.
Sec. of Senate

Senator Hertel

191420SC.Sma